

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 4:04CR265
)	
Plaintiff,)	JUDGE PATRICIA A. GAUGHAN
)	
v.)	
)	
KEVIN ALMASY,)	
)	
Defendant.)	<u>FINAL ORDER OF FORFEITURE</u>

It appears to the Court that proper proceedings for the issuance of a Final Order of Forfeiture have been had in this case as follows:

1. By the Preliminary Order of Forfeiture, filed May 5, 2005, the following real property was forfeited to the United States for disposition in accordance with law, subject to the provisions of 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c): 8 Midwood Circle, Youngstown, Ohio; Permanent Parcel #29-008-0-145 (hereinafter, the subject property).

2. Under 21 U.S.C. § 853(n), third parties asserting a legal interest in initially forfeited properties are entitled to a judicial determination of the validity of the legal claims or interests they assert.

3. The United States published notification of the Court's Preliminary Order of Forfeiture in The [Youngstown] Daily Legal News. Said published notice advised all third parties of their right to petition the court within thirty (30) days of the final publication date for a hearing to adjudicate the validity of their alleged legal interest in the subject property. Attached hereto as Exhibit #1 is a copy of the notice.

4. Additionally, the United States provided direct notice to all known third parties potentially having a legal interest in the subject property.

5. By an Agreement attached hereto as Exhibit #2, and incorporated herein by reference, Patrice Almasy consented to the forfeiture of the subject property, and agreed not to contest its forfeiture pursuant to 21 U.S.C. § 853(n).

6. By an Agreement attached hereto as Exhibit #3, and incorporated herein by reference, the United States recognized the 1st and 2nd mortgage lien interests of The Home Savings & Loan Co. of Youngstown in the subject property. Particularly, upon the final forfeiture and sale of the property, the United States agreed to make payment to Home Savings in the manner described below.

7. Excepting Patrice Almasy and Home Savings, no third party has made any claim to, or declared and interest in, the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED and DECREED:**

8. The United States is authorized to seize the following property, and it is finally forfeited to the United States for disposition in accordance with law: 8 Midwood Circle, Youngstown, Ohio; Permanent Parcel #29-008-0-145. The proceeds of the sale of the property shall be paid in the following priority:

a.) to the United States for the payment of all reasonable expenses incurred in the preservation of the property; all outstanding property taxes due and owing in accordance with federal law; and, the reasonable costs of the sale of the property.

b.) 1st Mortgage: \$72,502.24 to Home Savings, plus interest at the rate of \$11.65 per diem from October 1, 2005, until the date of sale. Additionally, Home Savings shall be reimbursed for any costs advanced in servicing the loan. The check is to be made payable to "The Home Savings & Loan Co. of Youngstown", and shall be forwarded to: Rick Thomas [Assistant Vice President, Default Servicing]; The Home Savings & Loan Co. of Youngstown, Corporate Headquarters; 275 Federal Plaza West; P.O. Box 1111; Youngstown, Ohio 44501-1111.

c.) 2nd Mortgage: \$12,100.61 to Home Savings, plus interest at the rate of \$2.13 per diem from October 1, 2005, until the date of sale. Additionally, Home Savings shall be reimbursed for any costs advanced in servicing the loan. The check is to be

made payable to "The Home Savings & Loan Co. of Youngstown", and shall be forwarded to: Rick Thomas [Assistant Vice President, Default Servicing]; The Home Savings & Loan Co. of Youngstown, Corporate Headquarters; 275 Federal Plaza West; P.O. Box 1111; Youngstown, Ohio 44501-1111.

d.) The balance of the sale proceeds remaining after the above disbursements shall be forfeited to the United States.

SO ORDERED this 16th day of September, 2005.

/s/ Patricia A. Gaughan
Patricia A. Gaughan
United States District Judge